

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Nels Theodore,	)	
	)	C/A No. 0:12-2458-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
George Wilmore, Chief Enforcement	)	
Officer; Eddie Broome, Zoning	)	
Enforcement Officer; Bruce M. Bryant,	)	
Sheriff; Johnny H. Grayson, Magistrate,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Nels Theodore, proceeding pro se, filed a complaint on August 24, 2012, apparently alleging that Defendants have “plundered and despoiled” his property in York County, South Carolina. Plaintiff contends that the court possesses subject matter jurisdiction pursuant to 18 U.S.C. § 81, which provides criminal penalties for arson within special maritime and territorial jurisdiction; and 18 U.S.C. § 1659, which provides criminal penalties for acts of piracy upon the high seas or other waters within the admiralty and maritime jurisdiction of the United States. Plaintiff also filed a motion for order to show cause on August 24, 2012.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On September 27, 2012, the Magistrate Judge issued a Report and Recommendation in which she noted that Plaintiff cannot obtain a criminal investigation or criminal charges pursuant to § 81 or § 1659. The Magistrate Judge found Plaintiff’s complaint to be so completely devoid of merit as to not involve a federal controversy. Accordingly, the Magistrate Judge recommended that the within action be dismissed, without prejudice and without service of process. The Magistrate Judge further recommended that

Plaintiff's motion for order to show cause be denied.. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *without prejudice* and without service of process. Plaintiff's motion for order to show cause (ECF No. 2) is **denied**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour

Chief United States District Judge

Columbia, South Carolina  
October 30, 2012

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**